

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

**FILED**

APR 17 2023

BONNIE HACKLER  
Clerk, U.S. District Court

By \_\_\_\_\_ Deputy Clerk

Michael Magness, Petitioner )

v. )

Luke Pettigrew, Respondent )

Case No: CIV-22-376-JFH-KEW

**REQUEST FOR LEAVE TO AMEND PETITIONER'S  
MOTION FOR DISCOVERY**

Petitioner, Michael Magness, Pro Se, asks this Court for permission to amend the previous MOTION FOR DISCOVERY to add two additional documents for the below reasons. If the above Motion is ruled on before the Court receives this Request, Petitioner would ask it be considered as a Second Motion for Discovery.

Petitioner asks Respondent for a copy of the below documents in order to properly Reply to the Respondent's RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS [Doc 9]. Petitioner does not currently have access to these documents and requires such access in order to provide a diligent Reply.

Petitioner shows the following:

- 1) In Respondent's RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS [Doc 9] they claim to have possession of the below documents:

- a. Transcript of Petitioner's Preliminary Hearing


b. Transcript of the Hearing on Petitioner's Motion to Sever  
and Motion in Limine.

2) As Petitioner's Grounds Two and Four explicitly deal with  
information found within these documents the Petitioner  
requires access to Reply with accuracy. (*Harris v Nelson*, 394  
U.S. @ 301)

3) Petitioner has previously made a Motion for Discovery and did  
not include these documents because he was previously under  
the impression these documents did not exist due to the  
State's claims during the Direct Appeal proceedings that said  
documents could not be found and were presumed lost.

The ability to grant this Motion is certainly within the powers  
of this Court. For the reasons above, Petitioner believes this  
request to be reasonable/justified, and asks that an Order be  
granted.

Respectfully Submitted,

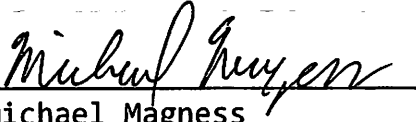
  
Michael Magness, 768965  
JHCC, C-1-213  
PO Box 548  
Lexington, OK 73051

4/17/23  
Date

VERIFICATION

State of Oklahoma,     )  
                                      ) ss.  
County of Cleveland    )

I, Michael Magness, do swear, by penalty of perjury, that I have read the foregoing REQUEST FOR LEAVE TO AMEND PETITIONER'S MOTION FOR DISCOVERY in, Case No. CIV-22-376-JFH-KEW, and that the statements therein are true to the best of my knowledge and belief.

  
Michael Magness  
Petitioner, Pro Se


4/13/23  
Date

CERTIFICATE OF MAILING

I, Michael Magness, do hereby affirm that on 4/13/23 a complete copy of the REQUEST FOR LEAVE TO AMEND PETITIONER'S MOTION FOR DISCOVERY in, Case No. CIV-22-376-JFH-KEW, was delivered to the Joseph Harp Correctional Center's Law Library, preaddressed and postage prepaid, to be mailed to the address below:

Office of Attorney General  
State of Oklahoma  
313 N.E. 21  
Oklahoma City, OK 73105

United States Eastern District  
Court Clerk's Office  
PO Box 607  
Muskogee, OK 74402

  
Michael Magness, 765965  
JHCC, C-1-213  
PO Box 548  
Lexington, OK 73051

4/13/23  
Date